

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-8 are pending and stand rejected.

Claims 1-8 have been amended.

The Examiner has maintained the rejection of claims 1-8 under 35 USC 103(a) as allegedly being obvious in view of Kim (USP no. 7,189,910). In maintaining the rejection of the claims, the Examiner refers to col. 2, lines 1-40, col. 3, lines 18-30 and col. 4, lines 29-43, for teaching that Kim teaches dynamic allocation of bandwidth based on traffic descriptors where the traffic descriptors can be information of the length of a queue.

Applicant respectfully disagrees and explicitly traverses the rejection of the claims. However, the independent claims have been amended to present the subject matter claimed in a better form. Specifically, the claims have been amended to recite that the weight information is representative of a priority of a service class in the ONUs. No new matter has been added. Support for the amendment may be found at least on page 9, lines 2-10.

With regard to the Examiner's maintaining the rejection of the claims, the Examiner refers to at least col. 4, lines 29-43 for teaching dynamic allocation of the bandwidth. However, a review of the sections stated in the Office Action, reveals that Kim teaches the dynamic allocation of bandwidth based on the length of available queues. However,

Under U.S. patent law, a claim is not obvious over one or more prior art references unless the prior art references, alone or in combination, teaches all the features recited in the claim or it would be generally known in the art.

Kim fails to render obvious the invention recited in the claims as Kim fails to teach all the elements claims (regardless of the failure to disclose a GE-PON) as Kim fails to provide any teaching regarding determining bandwidth based on weight information that is representative of a priority of a service level in the ONU.

Amendment
Serial No. 10/691,378

5000-1-469

With regard to the remaining claims, these claims are also allowable by virtue of the arguments made with regard to claim 1.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references and respectfully requests that all the rejections be withdrawn. A Notice of Allowance is respectfully requested.

Respectfully submitted,

CHA & REITER, LLC


By: Steve S. Cha
Attorney for Applicants

Mail all correspondence to:
CHA & REITER, LLC
210 Route 4 East, #103
Paramus, NJ 07652
Phone: (201) 226-9245
Fax: (201) 226-9246

SC/cag